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9  
10 **BEFORE THE**  
**CALIFORNIA BOARD OF OCCUPATIONAL THERAPY**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**  
12

13 In the Matter of the Accusation Against:

Case No. OT 2010-644

14 **MEGAN PATRICE HANVEY,**  
15 **A.K.A. MEGAN PATRICE O'HORA**  
16 **1501 Front Street, Unit 209**  
**San Diego, CA 92101**

**A C C U S A T I O N**

17 **Occupational Therapist License**  
18 **No. OT 2222**

Respondent.

19  
20 Complainant alleges:

21 **PARTIES**

22 1. Heather Martin (Complainant) brings this Accusation solely in her official capacity as  
23 the Executive Officer of the California Board of Occupational Therapy, Department of Consumer  
24 Affairs.

25 2. On or about September 17, 2002, the California Board of Occupational Therapy  
26 issued Occupational Therapist License Number OT 2222 to Megan Patrice Hanvey, a.k.a. Megan  
27 Patrice O'Hora. The Occupational Therapist License was eligible to be in full force and effect,  
28 upon compliance with license renewal requirements, at all times relevant to the charges brought

1 herein. However, at various time periods relevant to the charges brought herein, the Occupational  
2 Therapist license was not timely renewed in compliance with license renewal requirements which  
3 resulted in the Occupational Therapist license's expiration and lapse into expired status during  
4 which time periods the Occupational Therapist license was not eligible for active use and was not  
5 in full force and effect, as described in detail, below, in paragraphs 19 through 33.

## 6 JURISDICTION

7 3. This Accusation is brought before the California Board of Occupational Therapy  
8 (Board), Department of Consumer Affairs, under the authority of the following laws. All section  
9 references are to the Business and Professions Code unless otherwise indicated.

10 4. Section 2570.1 states:

11 The Legislature finds and declares that the practice of  
12 occupational therapy in California affects the public health, safety,  
13 and welfare and there is a necessity for that practice to be subject  
14 to regulation and control.

15 5. Section 2570.26 states:

16 (a) The board may, after a hearing, deny, suspend, revoke, or place on  
17 probation a license, certificate, inactive license, inactive certificate, or limited  
18 permit.

19 (b) As used in this chapter, "license" includes a license, certificate, limited  
20 permit, or any other authorization to engage in practice regulated by this chapter.

21 (c) The proceedings under this section shall be conducted in accordance with  
22 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the  
23 Government Code, and the board shall have all the powers granted therein.

24 6. Section 2570.27 of the Code states:

25 (a) The board may discipline a licensee by any or a combination of the  
26 following methods:

27 (1) Placing the license on probation with terms and conditions.

28 (2) Suspending the license and the right to practice occupational therapy for a  
period not to exceed one year.

(3) Revoking the license.

(4) Suspending or staying the disciplinary order, or portions of it, with or  
without conditions.

(5) Taking other action as the board, in its discretion, deems proper.

....

7. Section 2570.30 of the Code states:

The board shall retain jurisdiction to proceed with any investigation, action or disciplinary proceeding against a license, or to render a decision suspending or revoking a license, regardless of the expiration, lapse, or suspension of the license by operation of law, by order or decision of the board or a court of law, or by the voluntary surrender of a license by the licensee.

8. Section 118, subdivision (b), of the Code provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Code section 2570.16 provides that an Occupational Therapist License may be renewed at anytime within five years of expiration.

#### STATUTORY PROVISIONS

9. Section 2570.8 of the Code states:

For the purposes of verifying a license issued under this chapter, a person may rely on the licensure information posted on the Board's Internet Web site, which includes the issuance and expiration dates of a license issued by the board.

10. Section 2570.9 of the Code states:

The board shall issue a license to any applicant who meets the requirements of this chapter, including the payment of the prescribed licensure or renewal fee, and who meets any other requirement in accordance with applicable state law.

11. Section 2570.10 of the Code states:

(a) Any license issued under this chapter shall be subject to renewal as prescribed by the board and shall expire unless renewed in that manner. The board may provide for the late renewal of a license as provided for in Section 163.5.

(b) In addition to any other qualifications and requirements for licensure renewal, the board may by rule establish and require the satisfactory completion of continuing competency requirements as a condition of renewal of a license.

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12. Section 2570.18 of the Code states:

(a) On and after January 1, 2003, a person shall not represent to the public by title, by description of services, methods, or procedures, or otherwise, that the person is authorized to practice occupational therapy in this state, unless authorized to practice occupational therapy under this chapter.

....

(d) The unauthorized practice or representation as an occupational therapist or as an occupational therapy assistant constitutes an unfair business practice under Section 17200 and false and misleading advertising under Section 17500."

13. Section 2570.3 of the Code states:

(a) No person shall practice occupational therapy or hold himself or herself out as an occupational therapist or as being able to practice occupational therapy, or to render occupational therapy services in this state unless he or she is licensed as an occupational therapist under the provisions of this chapter. No person shall hold himself or herself out as an occupational therapy assistant or work as an occupational therapy assistant under the supervision of an occupational therapist unless he or she is certified as an occupational therapy assistant under the provisions of this chapter.

14. Section 2570.28 states:

The board may deny or discipline a licensee for any of the following:

(a) Unprofessional conduct, including, but not limited to, the following:

....

(1) Incompetence or gross negligence in carrying out usual occupational therapy functions.

....

(c) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision or term of this chapter or any regulation adopted pursuant to this chapter.

....

## REGULATORY PROVISIONS

15. California Code of Regulations, title 16, section 4120 states:

(a) The term of a license or certificate shall be two years.

(1) Unless renewed, a license or certificate issued by the board shall expire at 12 midnight on the last day of the holder's birth month during an odd year if the licensee was born in an odd year or during an even year, if the licensee was born in an even year. The initial license fee shall be prorated from the month of issuance based on the holder's birth month and birth year.

(2) To renew an unexpired license or certificate, the holder shall, before the time at which the license or certificate would otherwise expire, apply for renewal, pay the renewal fee, and certify that the licensee's or certificate holder's

1 representations on the renewal form are true, correct, and contain no material  
2 omissions of fact, signed under penalty of perjury.

3 (3) The renewal application shall include a statement specifying whether the  
4 licensee or certificate holder was convicted of a crime or disciplined by another  
5 public agency during the preceding renewal period, and whether the continuing  
6 competency requirements have been met if renewing in an active status.

7 (6) Failure to provide all of the information required by this section renders  
8 any application for renewal incomplete and not eligible for renewal.

9 16. California Code of Regulations, title 16, section 4121 states:

10 Except as otherwise provide in the Code, a license which has expired may be  
11 renewed at any time within five years after its expiration on filing of an application  
12 for renewal, and payment of all accrued and unpaid renewal fees. If a license or  
13 certificate is renewed after its expiration, the licensee or certificate holder, as a  
14 condition precedent to renewal, shall also pay a delinquency fee. Renewal under this  
15 section shall be effective on the date on which the application is filed, on the date on  
16 which the renewal fee is paid, or on the date on which the delinquency fee, if any, is  
17 paid, whichever last occurs. If so renewed, the license or certificate shall continue  
18 in effect through the expiration date provided in section 4120 above which next  
19 occurs after the effective date of renewal, when it shall expire if it is not renewed.

## 20 COST RECOVERY

21 17. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
22 administrative law judge to direct a licentiate found to have committed a violation or violations of  
23 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
24 enforcement of the case.

## 25 FACTS

26 18. On or about February 2, 2002, Respondent accepted an offer of employment from the  
27 Coronado Unified School District (C.U.S.D.) to provide services as a licensed Occupational  
28 Therapist during the 2002-2003 school-year. Respondent has remained so employed and has  
provided Occupational Therapy services to C.U.S.D. during each consecutive school-year,  
without interruption, from September 2002 until the present.

19 19. On September 17, 2002, Respondent's Occupational Therapist license was issued to  
20 her for the first time. The license was effective on September 17, 2002, and valid only through its  
21 regularly scheduled expiration date of June 30, 2003.

22 ///

1        20. On June 30, 2003, Respondent's Occupational Therapist license expired because  
2 Respondent did not renew it on or before its expiration date.

3        21. During July 1, 2003, through July 13, 2003, (13 days) Respondent did not have a  
4 valid Occupational Therapist license, in that it was expired.

5        22. On July 14, 2003, Respondent's Occupational Therapist license was renewed.  
6 Respondent's license renewal was effective on July 14, 2003, and only through its regularly  
7 scheduled expiration date of June 30, 2004, unless renewed.

8        23. On June 30, 2004, Respondent's Occupational Therapist license expired because  
9 Respondent did not renew it on or before its expiration date.

10       24. During July 1, 2004, through September 1, 2004, (63 days) Respondent did not have a  
11 valid Occupational Therapist license, in that it was expired.

12       25. On September 2, 2004, Respondent's Occupational Therapist license was renewed.  
13 Respondent's license renewal was effective on September 2, 2004, and only through its regularly  
14 scheduled expiration date of June 30, 2005, unless renewed.

15       26. On June 30, 2005, Respondent's Occupational Therapist license expired because  
16 Respondent did not renew it on or before its expiration date.

17       27. During July 1, 2005, through August 29, 2007, (791 days) Respondent did not have a  
18 valid Occupational Therapist license, in that it remained expired for approximately 2 years.

19       28. On August 30, 2007, Respondent's Occupational Therapist license was renewed.  
20 Respondent's license renewal was effective on August 30, 2007, and only through its regularly  
21 scheduled expiration date of June 30, 2008, unless renewed.

22       29. On June 30, 2008, Respondent's Occupational Therapist license expired because  
23 Respondent did not renew it on or before its expiration date.

24       30. During July 1, 2008, through June 20, 2011, (1,085 days) Respondent did not have a  
25 valid Occupational Therapist license, in that it remained expired for approximately 3 years.

26       31. On June 21, 2011, Respondent's Occupational Therapist license was renewed.  
27 Respondent's license renewal was effective on June 21, 2011, and only through its regularly  
28 scheduled expiration date of June 30, 2012.

1        32. On or about April 20, 2012, Respondent's Occupational Therapist license was  
2 renewed. Respondent's license renewal was effective on July 1, 2012, and the license will expire  
3 on its regularly scheduled expiration date of June 30, 2014, unless renewed.

4                                    **FIRST CAUSE FOR DISCIPLINE**

5                    (Unprofessional Conduct – Repeated Pattern of Delinquent License Renewal)

6        33. Respondent is subject to disciplinary action for unprofessional conduct under Code  
7 section 2570.28, subdivision (a), in that while consistently employed at C.U. S.D. to provide  
8 services as a licensed Occupational Therapist during each consecutive school-year from 2003  
9 through 2011, Respondent was repeatedly delinquent in renewing her license, allowed her license  
10 to remain expired for years at a time, and identified herself as an Occupational Therapist and  
11 rendered services as an Occupational Therapist while she did not have a valid license, as  
12 described, above, in paragraphs 18 through 32 which are incorporated herein by reference.

13                                    **SECOND CAUSE FOR DISCIPLINE**

14                    (Unlawful Practice Without a Valid License)

15        34. Respondent is subject to disciplinary action under Code sections 2570.3, and  
16 2578.28, subdivision (c), in that Respondent worked as an Occupational Therapist for the  
17 C.U.S.D. during each consecutive school year within the time period of September 2003 through  
18 June 2011, even though she did not have a valid Occupational Therapist license during  
19 approximately 5 years of the 8 consecutive years, as described in detail, above, in paragraphs 18  
20 through 32 which are incorporated herein by reference.

21                                    **THIRD CAUSE FOR DISCIPLINE**

22                    (Gross Negligence)

23        35. Respondent is subject to disciplinary action under Code section 2570.28,  
24 subdivision (a)(1), for gross negligence in that Respondent did all of the following: Respondent  
25 repeatedly failed to renew her Occupational Therapist license in a timely manner; Respondent  
26 allowed her Occupational Therapist license to remain expired for extended periods of time while  
27 she continuously worked as an Occupational Therapist; Respondent consistently identified herself  
28 as an Occupational Therapist and rendered services as an Occupational Therapist without a valid

1 license during approximately 5 out of the 8 consecutive years of 2003 through 2011, as described,  
2 above, in paragraphs 18 through 32 which are incorporated herein by reference.

3 **PRAYER**

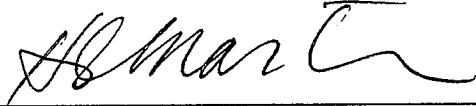
4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
5 and that following the hearing, the California Board of Occupational Therapy issue a decision:

6 1. Revoking or suspending Occupational Therapist License Number OT 2222, issued to  
7 Megan Patrice Hanvey, a.k.a. Megan Patrice O'Hora.

8 2. Ordering Megan Patrice Hanvey , a.k.a. Megan Patrice O'Hora, to pay the California  
9 Board of Occupational Therapy the reasonable costs of the investigation and enforcement of this  
10 case, pursuant to Business and Professions Code section 125.3;

11 3. Taking such other and further action as deemed necessary and proper.

12  
13 DATED: 27 Dec 2012

  
HEATHER MARTIN  
Executive Officer  
California Board of Occupational Therapy  
Department of Consumer Affairs  
State of California  
Complainant

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